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U.S. DISTRICT COURT
N.D. OF ALABAMA

#### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

DEMARCUS COLEMAN,	)	
AIS# 300844,	)	
Plaintiff,	)	
,	)	
VS.	)	<b>CIVIL ACTION NO.:</b>
	)	2:19-cv-00899-LSC-SGC
	)	
CORRECTIONAL OFFICER	)	
ZACHARY MCLEMORE, et al.,	)	
	)	
Defendants.	)	

#### **DEFENDANTS' PRE-TRIAL NARRATIVE STATEMENT**

COME NOW the Defendants, Zachary McLemore, Joe L. Binder, Keller Speaks and Roderick Gadson, by and through undersigned counsel, and hereby files this, his pre-trial narrative statement, in the above-styled case and states as follows:

# DEFENDANTS' FACTS TO BE OFFERED AT TRIAL THROUGH ORAL TESTIMONY OR DOCUMENTARY EVIDENCE

- 1. On April 15, 2019 at around 11:00 a.m. Officers McLemore, Binder and Gadson were handing out food trays to inmates housed in the Y-Unit at Donaldson.
- 2. Officer McLemore and Gadson approached cell Y-15 and Officer McLemore opened the cell door.
  - 3. When the cell door opened, Coleman exited the cell with his fist

clinched and said he wanted to fight Officer McLemore.

- 4. Officers McLemore and Gadson attempted to get Coleman to calm down.
- 5. Coleman refused to follow orders and continued to act in an aggressive manner.
- 6. Officer McLemore then sprayed Coleman with Saber Red chemical spray.
- 7. After being sprayed, Coleman began to swing his arms and fists wildly at the officers.
- 8. Officer McLemore used palm heel strikes to Coleman's facial area in order to stop Coleman's aggression.
- 9. Officer Gadson and McLemore took Coleman to the floor and hand cuffed Coleman to the rear.
- 10. Coleman was taken to the infirmary where he was treated for contusions to his forehead, scratches and a contusion behind his left ear and a small contusion behind his right ear.
- 11. Coleman was seen by medical staff a second time that day and told medical staff he was beat up by the police but did not identify who the "police" were.
- 12. Captain Caldwell investigated the use of force by Officers McLemore and Gadson and determined that the use of force was justified given Coleman's

aggression.

13. Officer Speaks was not mentioned in any of the incident reports.

# **DEFENDANTS' WITNESS LIST**

Name/Address	Subject of Knowledge
Zachary McLemore (Defendant) c/o J. Matt Bledsoe 501 Washington Avenue Montgomery, Alabama 36130	Officer McLemore will testify regarding his knowledge of the incident that occurred on April 15, 2019.
Joe L. Binder (Defendant) c/o J. Matt Bledsoe 501 Washington Avenue Montgomery, Alabama 36130	Officer Binder will testify regarding his knowledge of the incident that occurred on April 15, 2019.
Keller Speaks (Defendant) c/o J. Matt Bledsoe 501 Washington Avenue Montgomery, Alabama 36130	Officer Speaks will testify regarding his knowledge of the incident that occurred on April 15, 2019.
Roderick Gadson (Defendant) c/o J. Matt Bledsoe 501 Washington Avenue Montgomery, Alabama 36130	Officer Gadson will testify regarding his knowledge of the incident that occurred on April 15, 2019.
Captain Shannon Caldwell (Investigating Officer) c/o J. Matt Bledsoe 501 Washington Avenue Montgomery, Alabama 36130	Captain Caldwell will testify regarding his knowledge of the incident that occurred on April 15, 2019.
William Patrick (Sgt.) c/o J. Matt Bledsoe 501 Washington Avenue Montgomery, Alabama 36130	Sgt. Patrick will testify regarding his knowledge of the incident that occurred on April 15, 2019.

Name/Address	Subject of Knowledge
Clinton Thrasher (Lieutenant) c/o J. Matt Bledsoe 501 Washington Avenue Montgomery, Alabama 36130	Lt. Thrasher will testify regarding his knowledge of the incident that occurred on April 15, 2019.
Deaundra Johnson (Captain) c/o J. Matt Bledsoe 501 Washington Avenue Montgomery, Alabama 36130	Captain Johnson will testify regarding his knowledge of the incident that occurred on April 15, 2019.
Jackie Pedigo (LPN) c/o Phil Piggott Webster Henry Bradwell Cohan Speagle & DeShazo, P.C. 2 Perimeter Park South Suite 445 East Birmingham, AL 35243 Any witness listed on Plaintiff's Witness List	Nurse Pedigo will testify regarding his knowledge of the incident that occurred on April 15, 2019.
Any witness needed for impeachment or rebuttal purposes.	

# **DEFENDANTS' EXHIBIT LIST**

1.	Incident Report dated April 15, 2019;
2.	Inmate Body Chart dated April 15, 2019 at 11:28 a.m.;
3.	Inmate Body Chart dated April 15, 2019 at 8:00 p.m.;
4.	Inmate Written Statement dated April 15, 2019;
5.	Inmate Medical Records;

6.	Inmate Mental Health Records;
7.	Rebuttal documents.

Respectfully submitted,

STEVE MARSHALL ATTORNEY GENERAL

/s/ J. Matt Bledsoe
J. MATTHEW BLEDSOE
Assistant Attorney General
Attorney for Defendants

Office of the Attorney General 501 Washington Avenue Montgomery, AL 36130 (334) 242-7300 (T) Matt.Bledsoe@AlabamaAG.gov

### **CERTIFICATE OF SERVICE**

I hereby certify that I have on July 12, 2021, electronically filed the foregoing Defendants' Pre-Trial Narrative Statement with the Clerk of Court using the CM/ECF system which will provide notice and a copy to the following:

Richard Rice The Rice Law Firm LLC 420 20th Street North Suite 2000 Birmingham, AL 35201

/s/ J. Matt Bledsoe
J. MATT BLEDSOE
Assistant Attorney General